



**The Voice of Small Business**

Amanda Fisher, Assistant State Director  
National Federation of Independent Business  
115 W. Allegan / Suite 310  
Lansing, MI 48933  
(517) 485-3409

**Testimony on Proposal to Restroom Access for Persons  
With Certain Medical Conditions**

House Commerce Committee  
August 28, 2007

My name is Amanda Fisher and I am the Assistant State Director for the National Federation of Independent Business, an organization providing legislative advocacy for more than 12,000 Michigan small businesses.

I would like to thank the committee for the opportunity to provide some information relative to the concerns of small business and the bill that is before us.

Small business owners have ranked “complying with unreasonable government regulations” as one of their top 10 concerns during the research for the 2004 “Small Business Problems and Priorities” - a research project done by the NFIB Research Foundation. HB 5046 is yet another example of one of these regulations and is another way of government trying to micromanage small business.

Although we know how difficult gastrointestinal issues can be and we feel sympathy for those who have experienced problems in this area, we fear that this issue is merely a small number of people trying to use state government to do what should be done between store owners and customers.

A large concern is that this bill presents a huge liability and security risk to small business owners. In Section 2(e) of the bill it is stated that the employee toilet facility should not be located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment.

I think all of us can agree that what is “obvious” to one person is certainly not obvious to another. And who will be deciding what is obvious? Unfortunately, it seems a business owner could end up spending much time and money in court to figure out its definition.

In addition, the required prescription would be easy to fake. Unlike someone in the medical profession, such as a pharmacist or nurse, most business owners or their employees are not trained to know the difference between real or forged prescriptions.

There is real concern on the part of both business owners and employees that allowing a customer in a restricted area could allow opportunity for an unscrupulous individual to commit theft, armed robbery or even worse.

Finally, we would argue given the state of Michigan's current economy and budget issues, the real issue that should be foremost on the legislature's mind is promoting and creating a robust economic climate. Adding one more regulation to business is counter to this objective. If there are no more businesses, restroom access won't be an issue.

For these reasons, we oppose HB 5046 and respectfully request the members of this committee not to report them for further consideration.

Thank you for your time Mr. Chairman. I would be happy to answer any questions.